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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/726,233	11/29/2000	Christine Miyachi	XER-20374D/A0600	9612

7590 12/15/2004  
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EXAMINER

WORKU, NEGUSSIE

ART UNIT PAPER NUMBER

2626

DATE MAILED: 12/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/726,233

Applicant(s)

MIYACHI ET AL.

Examiner

Negussie Worku

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. Applicant's arguments with respect to claims 1-7 have been considered.  
Applicant's amendment necessitated a new ground(s) of rejection presented in this Office action. Accordingly, this action is made final.

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-7, are rejected under 35 U.S.C. 102(e) as being anticipated by Shaw et al. (USP 5,845,058).

With respect to claim 1, Shaw et al. discloses a partial print provider (shown in fig 1 and 2) that permits a first print spooler (print spooler 42 of fig 3) associated with a network print server (print server 22 of fig 2) to interface with a second print spooler (second print spooler 50 of fig 3) associated with the network print server (22 of fig 2) for further processing of a print job submitted to the network print server (22 of fig 2) from a network print client (application program 33 of fig 2; "the first spooler 42 and the second spooler 50 are associated with a print server 22 of fig 2, via an application 33<sup>KACJ</sup> of fig 2, see col.5, line 65-col.6, lines 35-38").

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With respect to claim 2, Shaw et al. discloses a partial print provider (as shown in fig 2 and 3), wherein the network print server (print server 22 of fig 2) is operating window NT software, see (col.6, lines 60-65), and the second print spooler (50 of fig 3) is a window NT print spooler, (the system shown in fig 2 and 3 operates in window NT environment, see col.6, lines 60-65).

With respect to claim 3, Shaw et al. disclose a partial print provider (as shown in fig 2 and 3) wherein the interface between the NT print spooler (spooler of fig 2) and the first spooler (spooler 42 of fig 3) permits the first spooler (42 of fig 3) to leverage of on Microsoft's print services protocol and network technologies (printers 24a, 24b and 24c are connected to the local printer server which is a Microsoft print services protocol in a network environment, see col.5, lines 34-35, and see fig 2).

With respect to claim 4, Shaw et al., discloses a partial print provider wherein the partial print provider is a dynamically linked library file (a dynamic-link library (DDL) which is provided as a means for allowing communication with printer which has a Communication protocol [code for implementing DDL is inherently provided in print server network environment)

With respect to claim 5, Shaw et al. discloses a partial print provider, (as shown in fig 2 and 3) wherein all print jobs received by the second spooler (second spooler 50

of fig 3), are forwarded to the first spooler (spooler 42 of fig 2) for further processing, see (col.5, lines 65-col.6, lines 35-38).

With respect to claim 6, Shaw et al. discloses a partial print provider, (as shown in fig 2 and 3) wherein the partial print provider can be modified to establish an interface between the first print spooler (spooler 42 of fig 2) and any second spooler (second spooler 50 of fig 3).

With respect to claim 7, Shaw et al. discloses a partial print provider, (as shown in fig 2 and 3) wherein the network print server (printer server 22 of fig 2), is configured to be used with a xerographic print (printer 24a-24c of fig 2, via print server 22 of fig 2).

### ***Response to the Arguments***

4. Applicant's response dated July 23, 2004 have been reviewed and respectfully considered. The remarks made by applicant regarding the relevance of the prior art with regard to claim 1 as amended has been found persuasive.

However, Applicant's amendment necessitated a new ground(s) of rejection as presented in this Office action. The detail of the office action as stated in paragraph 2 of this office action shows the cited prior art fully discloses the limitation of claims 1-7 as amended.

Therefore, for the reasons discussed above claims 1-7 are not in condition for allowance.

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communication from Examiner should be directed to *Negussie Worku* whose telephone number is (703) 305 5441.

The Examiner can normally be reached on M-F, 9 am - 6 pm if attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, **Kimberly Williams**, can be reached on (703) 305-4863.

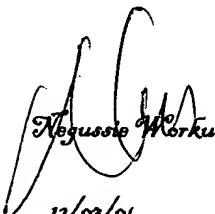
The fax phone number for the organization where this application or proceeding is assigned is (703) 306-5406, and any inquiry of general nature or relating to the status

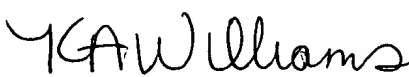
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of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

  
Augustine Merku  
12/03/04

  
KIMBERLY WILLIAMS  
SUPERVISOR, PATENT EXAMINER